

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
vs.) Criminal Action
)
HERZZON SANDOVAL,) No. 15-10338-FDS
EDWIN GUZMAN,)
CESAR MARTINEZ,)
ERICK ARGUETA LARIOS,)
Defendants)

BEFORE: THE HONORABLE F. DENNIS SAYLOR, IV

JURY TRIAL DAY 19

John Joseph Moakley United States Courthouse
Courtroom No. 2
1 Courthouse Way
Boston, MA 02210

February 26, 2018
9:03 a.m.

Valerie A. O'Hara
Official Court Reporter
John Joseph Moakley United States Courthouse
1 Courthouse Way, Room 3204
Boston, MA 02210
E-mail: vaohara@gmail.com

1 APPEARANCES:

2 For The United States:

3 United States Attorney's Office, by CHRISTOPHER J. POHL,
4 ASSISTANT UNITED STATES ATTORNEY, and KELLY BEGG LAWRENCE,
5 ASSISTANT UNITED STATES ATTORNEY, 1 Courthouse Way, Suite 9200,
6 Boston, Massachusetts 02110;

7 For the Defendant Herzzon Sandoval:

8 Foley Hoag LLP, by MARTIN F. MURPHY, ESQ. and
9 MADELEINE K. RODRIGUEZ, ATTORNEY,
10 155 Seaport Boulevard, Boston, Massachusetts 02210;

11 For the Defendant Edwin Guzman:

12 Lawson & Weitzen, by SCOTT P. LOPEZ, ESQ.,
13 88 Black Falcon Avenue, Suite 345, Boston, Massachusetts 02210

14 For the Defendant Erick Arueta Larios:

15 THOMAS J. IOVIENO, ESQ., 345 Neponset Street
16 Canton, MA 02021;

17 For the Defendant Cesar Martinez:

18 STANLEY W. NORKUNAS, ESQ., 11 Kearney Square,
19 Howe Building, Suite 202, Lowell, Massachusetts 01852.

20 ROBERT M. SALTZMAN, ESQ., 1 Central Street, Suite 5,
21 Stoneham, Massachusetts 02180.

22 ALSO PRESENT: Gabriel Haddad, Spanish Interpreter
23 Carrie Lilley, Spanish Interpreter
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1 PROCEEDINGS

2 THE CLERK: All rise for the jury.

3 (JURORS ENTERED THE COURTROOM.)

4 THE CLERK: Thank you. You may be seated.

5 THE COURT: Ladies and gentlemen, welcome back. I
6 hope you had a good weekend. It looks like all twelve of you
7 are here plus the three alternates, so I will instruct you to
8 retire and resume your deliberations, and as before, if I
9 haven't heard from you by about five minutes to five, I'll
09:10AM 10 check in and see where you are. All right.

11 THE CLERK: All rise.

12 (JURORS EXITED THE COURTROOM.)

13 (Jury deliberating)

14 THE CLERK: All rise for the jury.

15 (JURORS ENTERED THE COURTROOM.)

16 VERDICT

17 THE COURT: All right. Foreperson of the jury, have
18 you reached a unanimous verdict?

19 FOREPERSON OF THE JURY: Should I stand up? Yes, we
02:04PM 20 have.

21 THE COURT: If you could please hand the verdict form
22 to the clerk. All right. The verdict form appears to be in
23 order. Would the defendants please stand, and I'll ask the
24 clerk to read the verdict form.

25 THE CLERK: As to Count 2, conspiracy to conduct

1 enterprise affairs through a pattern of racketeering activity,
2 we, the jury, find:

3 As to Defendant Herzzon Sandoval, a/k/a "Casper,"
4 guilty;

5 As to Defendant Edwin Guzman, a/k/a "Playa," guilty;

6 As to Defendant Cesar Martinez, a/k/a "Cheche," not
7 guilty;

8 As to Defendant Erick Argueta Larios, a/k/a "Lobo,"
9 guilty.

02:05PM 10 As to Count 3, conspiracy to possess with intent to
11 distribute and to distribute cocaine, we, the jury, find:

12 Defendant Cesar Martinez, a/k/a "Cheche," guilty.

13 As to Defendant Erick Argueta Larios, a/k/a, "Lobo,"
14 not guilty.

15 As to Count 3, conspiracy to possess with intent to
16 distribute and to distribute cocaine, we, the jury, find:

17 As to Defendant Cesar Martinez, a/k/a, "Cheche," 500
18 grams or more of a mixture of substance containing detectable
19 amount of cocaine are attributable to and reasonably

02:06PM 20 foreseeable to Defendant Cesar Martinez, a/k/a, "Cheche,"
21 signed by the foreperson.

22 All right. Thank you, you may be seated. Is there a
23 request to poll the jury?

24 MR. LOPEZ: Yes, your Honor.

25 THE CLERK: Juror in Seat Number 1, do you agree with

1 the verdict as it has been read into the record?

2 JUROR IN SEAT NUMBER 1: Yes.

3 THE CLERK: Juror in Seat Number 2, do you agree with
4 the verdict as it has been read into the record?

5 JUROR IN SEAT NUMBER 2: Yes.

6 THE CLERK: Juror in Seat Number 4, do you agree with
7 the verdict as it has been read into the record?

8 JUROR IN SEAT NUMBER 4: Yes.

9 THE CLERK: Juror in seat 5, do you agree with the
02:06PM 10 verdict as it has been read into the record?

11 JUROR IN SEAT NUMBER 5: Yes.

12 THE CLERK: Juror in Seat Number 8, do you agree with
13 the verdict as it has been read into the record?

14 JUROR IN SEAT NUMBER 8: Yes.

15 THE CLERK: Juror in Seat Number 9, do you agree with
16 the verdict as it has been read into the record?

17 JUROR IN SEAT NUMBER 9: Yes.

18 THE CLERK: Juror in Seat Number 11, do you agree with
19 the verdict as it has been read into the record?

02:06PM 20 JUROR IN SEAT NUMBER 11: Yes.

21 THE CLERK: Juror in Seat Number 12, do you agree with
22 the verdict as it has been read into the record?

23 JUROR IN SEAT NUMBER 12: Yes.

24 THE CLERK: Juror in Seat Number 13, do you agree with
25 the verdict as it has been read into the record?

1 JUROR IN SEAT NUMBER 13: Yes.

2 THE CLERK: Juror in Seat Number 14, do you agree with
3 the verdict as it has been read into the record?

4 JUROR IN SEAT NUMBER 14: Yes.

5 THE CLERK: Juror in Seat Number 15, do you agree with
6 the verdict as it has been read into the record?

7 JUROR IN SEAT NUMBER 15: Yes.

8 THE CLERK: Juror in Seat Number 15, do you agree with
9 the verdict as it has been read into the record?

02:07PM 10 JUROR IN SEAT NUMBER 15: Yes.

11 THE CLERK: Juror in Seat Number 16, do you agree with
12 the record as it has been read into the record?

13 JUROR IN SEAT NUMBER 16: Yes.

14 THE CLERK: Thank you.

15 THE COURT: All right. Ladies and gentlemen,
16 thank you. You are hereby discharged. I want to personally
17 thank you and on behalf of the Court thank you for your
18 devotion and dedication to service. If you're willing to stay
19 for a few moments, I need to talk to the lawyers quickly, and
02:07PM 20 I'd like to thank you personally up in the jury room if you
21 have a moment, but thank you, and you are all hereby
22 discharged.

23 THE CLERK: All rise.

24 (JURORS EXITED THE COURTROOM.)

25 THE COURT: All right. Addressing myself to the four

1 defendants, a written pre-sentence report will be prepared by
2 probation to assist me in determining your sentence. You will
3 be asked to give information for that report. Your lawyer may
4 be present, if you wish.

5 It is important that the report be accurate. It will
6 not only affect what sentence you receive but what happens to
7 you after you are sentenced. For example, if you are sent to
8 prison, it will affect where you are sent and what happens to
9 you when you get there. Even minor mistakes in the report
02:08PM 10 should be corrected.

11 You'll have a chance to read that report or have it
12 read to you in Spanish and to go over it with your lawyer and
13 to make objections to it before the time of sentencing, and
14 both your lawyer and you personally will have the opportunity
15 to speak on your behalf at the time of sentencing.

16 I will therefore refer you to probation for the
17 presentence investigation and preparation of the report. That
18 process usually takes about 12 weeks to complete, and so I will
19 set sentence as follows:

02:09PM 20 As to Defendant Sandoval, Tuesday, May 29th at 2:00.

21 As to Defendant Guzman, Wednesday May 30th at 2:00.

22 As to Defendant Martinez, Thursday, May 31st at 2:00.

23 And as to Defendant Larios, Friday, June 1st at 2:00.

24 And I'll order that all defendants remain detained
25 pending imposition of the sentence. I'll direct the clerk to

1 put the verdict form on the docket.

2 Is there anything else, Mr. Pohl?

3 MR. POHL: No, thank you very much, your Honor.

4 THE COURT: Anything from the defendants?

5 MR. GUZMAN: Yes, your Honor, I want a different
6 attorney, please.

7 THE COURT: All right. Either I'll have your attorney
8 file a notice of appeal or the clerk will file one for you, and
9 we'll take up your request at a later time.

02:10PM 10 MR. GUZMAN: Thank you, your Honor.

11 THE COURT: Thank you. We'll stand in recess.

12 (Whereupon, the hearing was adjourned at 2:10 p.m.)

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C E R T I F I C A T E

UNITED STATES DISTRICT COURT)
DISTRICT OF MASSACHUSETTS) ss.
CITY OF BOSTON)

I do hereby certify that the foregoing transcript was
recorded by me stenographically at the time and place aforesaid
in Criminal Action No. 15-10338-FDS, UNITED STATES vs.
HERZZON SANDOVAL, et al., and thereafter by me reduced to
typewriting and is a true and accurate record of the
proceedings.

Dated this 22nd day of June, 2018.

s/s Valerie A. O'Hara

VALERIE A. O'HARA

OFFICIAL COURT REPORTER